

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 7, 18 and 24 are pending in this application. Claims 1 and 18 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Final Office Action of March 24, 2008 (herein, the Final Office Action), Claims 1 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Nishikawa et al. (U.S. Pat. 6,246,438, herein Nishikawa); and Claims 18 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Nishikawa.

In response to the above-noted rejections, Applicants respectfully submit that amended independent Claims 1 and 18 recite novel features clearly not taught or rendered obvious by Nishikawa.

Independent Claim 1, for example, recites an apparatus for coding and decoding, comprising:

a decoding unit which decodes compressed and coded data to restore original image data;

a storing unit which stores additional information other than the image data in memory, *the additional information being information included in a comment marker corresponding to said compressed and coded data*;

a coding unit which *encodes at least a portion of the additional information stored in said memory* as information additional to the image data when performing second-time encoding of the image data decoded by said decoding unit; and

an additional information extracting unit which *extracts the additional information from the compressed and coded data* when the compressed and coded data is decoded, and said storing unit stores the additional information extracted by said additional information extracting unit in said memory.

¹ e.g., specification, at least at Fig. 9 and p. 33, l. 18 – p. 35, l. 6.

Independent Claim 18, while directed to an alternative embodiment, recites similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1 and 18.

In maintaining the rejection set forth in the Final Office Action, the Advisory Action of August 13, 2008 (herein, the Advisory Action) cites the image coded data analyzer 310 illustrated in Fig. 7 of Nishikawa, which includes a variable length decoder 311 and an inverse quantizer 311. The Advisory Action then asserts that the coding parameters (i.e. 226, 230, 231, 232 and 233) output from the variable length decoder 311 are analogous to the claimed “additional information other than the image data.”

However, the coding parameters output from the variable length decoder 311, are not the same as “*information included in a comment marker corresponding to said compressed and coded data*,” as recited in amended independent Claims 1 and 18.

As disclosed in an exemplary embodiment at p. 32, l. 24 – p. 33, l. 17, the comment marker (i.e. COM marker) may include data such as a data and time in the case of a scanned image, the data and time of photographing in the case of digital camera image data, photographing conditions, etc. Thus, the information included in a comment marker is comment data, and not data for decoding or synthesizing decoded data. Instead, it is comment data associated with the received data that is specifically extracted and encoded “as information additional to the image data when performing second-time encoding of the image data decoded by said decoding unit,” as recited in independent Claims 1 and 18.

In contrast, the coding parameters extracted by the variable length decoder 311 of Nishikawa include parameters such as quantization indices 226, coded picture information 230, coded block information 231, quantization parameter information 232 and motion vector information 233. All of these parameters are supplied to the image coded data synthesizer 320 to transform the coding parameters from MPEG 1 representation into H.261

representation. However, none of these parameters can fairly be considered “*information included in a comment marker corresponding to said compressed and coded data*,” as recited in amended independent Claims 1 and 18, and as defined in the specification. Instead, the parameters described in Nishikawa are parameters used for the reproduction of decoded data and do not correspond to information in a comment marker.

The Advisory Action also appears to assert that the “additional information” may be satisfied by the output 220, 240 of the separator 340 in Nishikawa. However, as described at col. 13, ll. 28-41 of Nishikawa, the separator 340 is used to separate image coded data 220 from information that can not be extracted in the first digital data processing. Therefore, the separator does not separately store and second-time encode “*additional information ... included in a comment marker corresponding to said compressed and coded data*,” as recited in independent Claims 1 and 18.

Nishikawa, therefore, fails to teach or suggest an apparatus for coding and decoding, comprising “a storing unit which stores additional information other than the image data in memory, *the additional information being information included in a comment marker corresponding to said compressed and coded data*... a coding unit which *encodes at least a portion of the additional information stored in said memory as information additional to the image data when performing second-time encoding of the image data* decoded by said decoding unit... and an additional information extracting unit which *extracts the additional information from the compressed and coded data when the compressed and coded data is decoded*, and said storing unit stores the additional information extracted by said additional information extracting unit in said memory,” as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 (and Claim 7, which depends therefrom) under 35 U.S.C. § 102 be withdrawn. For substantially similar reasons, it is also submitted that independent Claim 18 (and Claim 24, which depends

Application No. 10/717,674
Reply to Office Action of March 24, 2008

therefrom) patentably defines over Nishikawa, and Applicants request that the rejection of these claims under 35 U.S.C. § 103 be withdrawn.

Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 7, 18 and 24 patentably define over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

James J. Kulbaski
Attorney of Record
Registration No. 34,648

Andrew T. Harry
Registration No. 56,959

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

I:\ATTY\ATH\PROSECUTION\24s\245673US\245673US - AAF 082508.DOC